

Rhode Island Renewable Energy Fund
2004 Solar Photovoltaic Funding Opportunity
For
Commercial, Industrial and Institutional Buildings
Request for Proposals (RFP)

January 21, 2004

1. Introduction

1.1 Summary:

The Rhode Island Renewable Energy Fund (the Fund) is seeking to support the installation of solar photovoltaic (PV) applications in excess of 5 kilowatts (“kW”) AC on commercial, industrial and institutional buildings in Rhode Island that can be operational within eight months of consideration for award. The Fund, initially created by the Rhode Island Utility Restructuring Act of 1996, (Rhode Island General Law Section 39-2-1.2(b)), is administered by the Rhode Island State Energy Office. The purpose of the Fund is to:

- support the production & consumption of commercially available renewable energy in the region and especially in the State of Rhode Island;
- create sustainable markets for commercially available renewable energy technologies;
- bring the benefits of renewable energy to Rhode Island’s environment, ratepayers, and/or renewable energy businesses; and
- increase consumers’ education and awareness regarding the benefits of renewable energy to the environment, security and energy resources, and their options for using renewable energy technologies and products.

The purpose of this request for proposals (RFP) is to provide partial grant funding for new PV installations on commercial buildings in order to demonstrate the use of PV systems as viable distributed generation resources, to raise awareness in the public and business community of the need and opportunities for renewables in Rhode Island, to advance the infrastructure necessary to install and to support future Rhode Island PV applications, and to encourage creative and effective project funding.

A minimum of \$500,000 is available under this RFP on a competitive basis, as follows:

- Incentives of up to a maximum of \$5 per Watt AC will be awarded to businesses.
- Incentives of up to a maximum of \$7 per Watt AC will be awarded to non-profit and government institutions as defined in Section 2.2.

Additional funds may be added at the Fund’s discretion, subject to availability; any such increase will be posted on the Fund’s web site.

Awards will be distributed on a competitive basis to those proposals best meeting the RFP's objectives and evaluation criteria, as defined in Section 5.2, at lowest per-Watt cost to the Fund. Proposals will be considered head-to-head in three phases:

Those wishing their proposals to be considered in Phase 1 must submit proposals to the Rhode Island State Energy Office by **April 21, 2004**. Additional proposals will be considered thereafter in Phase 2, subject to availability of uncommitted funds (see web site for update on fund availability). Those wishing their proposals to be considered in Phase 2 must submit proposals to the Rhode Island State Energy Office by **August 15, 2004**. Subject to availability of uncommitted funds, additional proposals may be considered thereafter in a conditional Phase 3. Those wishing their proposals to be considered in Phase 3 must submit proposals to the Rhode Island State Energy Office by **December 15, 2004**. Within each phase, proposals will be considered head-to-head. Proposed installations must be completed within eight (8) months of the submission deadline for the phase in which the project is considered. Proposals for projects unable to meet the installation deadline will not be considered; they should consider submitting in subsequent phases of this RFP.

1.2 Program Schedule

Release of RFP	January 21, 2004
Phase 1	
Deadline to Submit Written Questions	February 21, 2004
Deadline for Final Proposals	April 21, 2004
Short List Presentations	Early May 2004
Announcement of Awards	Approximately May 21, 2004
Contracting	June 2004
Commissioning	By December 21, 2004
Phase 2	
Deadline to Submit Written Questions	June 15, 2004
Deadline for Final Proposals	August 15, 2004
Short List Presentations	Early September 2004
Announcement of Awards	Approximately September 15, 2004
Contracting	October 2004
Commissioning	By April 15, 2005
Phase 3	
Deadline to Submit Written Questions	September 15, 2004
Deadline for Final Proposals	December 15, 2004
Short List Presentations	Early January 2005
Announcement of Awards	Approximately January 15, 2005
Contracting	February 2005
Commissioning	By August 15, 2005

2. Proposal Requirements

2.1 Projects

The Fund is soliciting proposals that will demonstrate and promote uses of photovoltaics and raise public awareness of the benefits of solar and other renewables by:

- providing highly visible and informative applications of photovoltaic systems;
- promoting environmental benefits of photovoltaics;
- reinforcing other Fund programs, particularly the residential, small and large business green power marketing and the customer education and market building programs;
- developing innovative means to improve the economics of PV installations by tapping values beyond commodity electricity;
- reducing barriers to installing photovoltaics;
- providing high-value, or premium-reliability electricity supply.

2.2 Who should respond?

For this RFP, the Fund requires applications in the commercial, industrial, or institutional sectors. Responses will be grouped into two categories. Category A includes for-profit businesses and institutions, as well as residential buildings with at least 10 units. Category B includes institutions that are both host and owner of the PV installation, including: (i) public and private colleges and universities; (ii) state- or municipally-owned facilities, and (iii) non-profit organizations (e.g. 501(c)3) whose mission, either directly or tangentially, relates to promoting the benefits of renewable energy. Residential, multi-family buildings with less than 10 units, K-12 schools¹ and portable or mobile systems will not be considered under this Program.

2.3 What Types of Installations are Eligible?

Individual installations must exceed a minimum of five (5) kW AC and be able to commit to installation by no later than eight (8) months from the submission deadline for the phase in which the project is considered. Projects that have commenced construction before date of issuance of this RFP are not eligible. Proponents may seek funding for several related installations within a single proposal (i.e. multiple installations at different locations of the same business). Separate proposals should be made for unrelated businesses working with a single proponent.

¹ K through 12 schools are eligible under the Fund's separate Solar on Schools Program.

2.4 Threshold Requirements

The Fund reserves the right to reject a proposal that, in its sole judgment, does not meet threshold criteria, or does not effectively meet the Fund goals. Proposals must be received by the RFP deadline. Projects must:

- Involve Rhode Island electric ratepayers and be located in the Narragansett Electric Company or Pascoag Utility District service territories;
- Demonstrate to the satisfaction of the Fund that the applicants have obtained from the building owner/operator the right to make the structural changes to the building as described in the proposal;
- Dedicate at least twenty-five percent (25%) of Generation Information System Certificates (see Section 2.5) to the host;
- Include a warranty of the entire system and the inverter for a minimum 5-year term, a warranty of at least 20 years on the PV modules (passed through from manufacturer), plus a written operation and maintenance (O&M) plan to assure that the PV system operates reliably; and
- Possess a viable plan for providing the complete financing required for the project.

The funding requested cannot exceed the maximum funding thresholds for the applicable funding category as specified in Section 3.

2.5 The Green Power Market and GIS Certificates

PV projects like those promoted by this RFP have the potential to earn a premium value over and above the value of the electricity produced through participation in the green power market, and in some cases, for compliance with present or future renewable portfolio standards (RPS). With proper registration, power production metering, and communication, PV projects can earn GIS Certificates in the Generation Information System (GIS) operated by the Independent System Operator of New England (ISO-NE).

The Fund believes that it can be desirable for projects supported by this Program to participate in the GIS, directly or through an aggregator or broker. To accomplish this, the project owner would make available to the green power market in RI any GIS Certificates generated beyond those Certificates committed to the project host.²

Examples of ways in which projects supported by this RFP can provide GIS Certificates to the green power market in RI are:

² Note that a successful proposal must have at least twenty-five percent (25%) of Certificates dedicated to the host.

- sell Certificates to other Rhode Island electricity customers directly or through arrangements with a green power or green certificate marketer or broker; or
- assign Certificates at no charge to the State Energy Office, which in turn will make the Certificates available to Rhode Island green power or green certificate marketers (specify percentage to be delivered to the Fund, e.g. 50% of Certificates created) or dedicate them as state purchases.

A Proposal may also satisfy the goals of this program by dedicating all Certificates produced by the PV system to the project host. This can be accomplished simply by not participating in the Certificates market or any other market or by retiring all Certificates by formally transferring them into a GIS Reserve Account for this purpose.

The Fund expects project sponsors to be scrupulous about avoiding the practice and perception of double counting between Project hosts and any buyers of GIS Certificates. This can be accomplished by working with Project hosts to assure that their claims or public statements accurately reflect their role as the site for a PV project and their dedicated share of the Certificates produced.

In selecting among proposals, additional value will be attributed to uses of GIS Certificates that further the Fund's objectives of supporting green power marketing or other offerings to serve Rhode Island customers. A condition of funding would be contractual commitment by the awardee to the disposition of GIS Certificates described in the proposal.

2.6 Project Economics

The Fund considers the overall project economics to be an important criterion in judging the likelihood of project completion and successful operation. For this reason, each proposal should include:

- A complete system installed capital cost breakdown including PV modules, inverters, interconnection, metering and data acquisition, engineering, installation, and other costs.
- A description of all the sources of capital (including debt, if applicable) planned to fund the complete system and their relative shares of the total capital cost.
- A description of the PV system's ownership (e.g. owned by a building owner, who will benefit from reduced electric consumption delivered through the utility meter; or owned by third party with payment from building owner/operator to PV system owner.)
- An estimate of the annual AC energy production from the PV project, and a comparison with the building's expected annual electricity consumption absent the PV system.
- An explanation in as much detail as possible of the source of revenue or value, including energy sales or displacement, proposed disposition of (and revenues from) GIS Certificates, tax credits, subsidy funds including funds sought under this RFP, etc.

3. Funding

3.1 Funding

For projects falling into Category A, incentive payments are available up to a maximum of \$5 per Watt AC. For projects falling into Category B, incentive payments up to a maximum of \$7 per Watt AC are available. (See Section 2.2 for explanation of Categories A and B.) Funds will be awarded on a competitive basis; therefore, all else being equal, projects requesting lower per-Watt incentives will be viewed more favorably. Incentive awards will be subject to availability of funds. The total funding available under this Program for all selected projects will be a minimum of \$500,000. Additional funds may be added at the Fund's discretion, subject to availability; any such increase will be posted on the Fund's web site.

4. Hardware and Warranty Criteria

4.1 PV Hardware Standards

All applicable system components must utilize commercially available PV technologies and meet the following standards, and applicants must provide supporting evidence as specified under Section 6.2 Submission Requirements, D: Project Description, Attachment F.

4.1.1 PV Modules

Modules that are eligible for this program must have been tested to the safety standards of Underwriter's Laboratory UL1703 and the assurance of reliability and durability of IEEE 1262.

4.1.2 Inverters

Inverters that are eligible for this program must have been tested to the safety standards of Underwriter's Laboratory UL 1741 and the assurance of reliability and durability of IEEE 929.

4.1.3 Metering Equipment

Metering equipment must have the capability to display the energy production (AC) by the system in kWh units and satisfy any interconnection requirements. This capability may be provided by the inverter (having data logging capability) or by other metering configurations. This metering capability will allow the system owner to monitor the performance or detect malfunctions. The Fund will reserve the right to allow or disallow metering plans at its discretion before commencement of the project.

In order to earn GIS Certificates and participate in the green power market, a PV project must have a metering system that meets the requirements of the ISO-NE GIS. This type of metering is referred to in the utility industry as "revenue quality" metering and, as such, must meet the criteria described in the ISO-NE OP 18 document. Meter (and optional data acquisition) system vendors should certify to this standard. In order to participate in the ISO-NE Generator Information System, operators will also need a plan for communicating monthly PV system energy production to the GIS administrator (e.g. entering production data via the web) in order to support the generation of GIS Certificates for each trading period.

4.1.4 Innovative PV Configurations

Proponents with innovative or custom PV installations under consideration (i.e. building-integrated PV) will be considered if they can demonstrate that their components and systems are functionally equivalent to the system and installation requirements (Section 4.1.5).

4.1.5 System and Installation Standards

All systems and system components funded under this program must comply with all applicable laws, regulations, codes, licensing and permit requirements, including but not limited to, the Rhode Island State Building Code, the National Electric Code, Interconnection Standards of the local distribution utility, and all applicable local ordinances and codes. UL Listed (or equivalent) inverters are required. If the PV modules are not UL listed (or equivalent), applicants must demonstrate that the modules are in the process of gaining UL certification, or pursue UL certification as part of this project.

4.2 *Warranty, Operations and Maintenance Plan*

The Fund wishes to support and encourage PV system installations that maintain high efficiency and availability for the long term. For this reason, the applicant must propose a system that is covered by one or more warranties that provide:

- a minimum two (2) year full warranty to the purchaser against breakdown or degradation of electrical output. The warranty must cover all of the components of the generating system against breakdown or degradation in electrical output of more than ten percent from their Initial Rated Electrical Output (IREO). The warranty shall cover the full cost, including labor, of repair or replacement of defective components or systems.
- a minimum five (5) year parts warranty to the purchaser against breakdown or degradation in electrical output of more than ten percent from the IREO. The warranty shall cover the cost of replacement components and systems required to restore the system to the warranted level of operation.
- a minimum twenty (20) year parts warranty on the PV modules against failure or degradation in electrical output of more than 20% from the IREO.

For the purposes of project eligibility, the Initial Rated Electrical Output (IREO) is calculated using the following formula:

Manufacturer's Module Rating (W) DC @ STC X .90 = System Rating (W) AC

The Manufacturer's Module Rating (W) DC will be the published, tested PV panel/module ratings in watts (W) direct current (DC) where the test was conducted by an accredited independent laboratory at standard test conditions (STC).

The Proponent must also submit a written O&M plan with its proposal. This plan must:

- Cover the first five years of operation.

- Include a combination of scheduled inspections and maintenance and warranty service. Provide the service schedule.
- include a description of the training that the applicant will provide to host site personnel.
- Include clear instructions for the site personnel to notify responsible service personnel and provide guidelines for response times to service calls.

5. Proposal Evaluation Process

5.1 Proposal Evaluation Process

Within each phase, the submitted proposals will be evaluated through the steps outlined below. The Fund and its representatives may request more information or data from proponents at any point in the process.

Step 1: Proposal Screening

Proposals will be screened initially to determine whether the proposal contains sufficient information for evaluation purposes, and whether it meets the threshold requirements defined in Section 2.4. Proposals that fail this screening will not be evaluated further under this RFP.

Step 2: Full Proposal Evaluation

Based on evaluation criteria detailed in Section 5.2, proposals will be ranked based on the information provided in the written proposals. The Fund will appoint an Evaluation Committee composed of State Energy Office staff and consultants, as well as members of the Fund's Advisory Board. This group will evaluate proposals based on their technical and commercial merit using the information provided under Section 6.2 of this RFP. As a result of this process, the highest ranked projects will be short-listed.

Step 3: Short-Listed Projects Presentations

The Fund may either request that short-listed applicants present the merits of their proposals to the Evaluation Committee or appear in a closed session before the Fund's Advisory Board. If the Fund requires presentations, all short-listed applicants will have an opportunity to present their projects.

Step 4: Final Selection

The Fund will make the final selection of awardees taking into account program objectives, applicant qualifications and the amount of funding requested relative to the program budget. The Fund intends to support several installations under this RFP. As a result, the Fund reserves the right to make multiple awards rather than a single award to a larger project requesting lower per-Watt funding, if that larger project would consume the full RFP budget.

In the event insufficient funds are budgeted to fund all compliant proposals that pass the Proposal Screening step, the Fund may identify the highest ranking proposals not selected for award under this RFP for inclusion on a waiting list, and will inform the applicants of their waiting list status. In the event that projects selected for award have their funding contracts terminated for reasons outlined in Sections 5.5 and 5.6, thereby freeing up additional funds, projects on the waiting list may, at the Fund's discretion, be selected for award.

Final selection implies that the Fund and all associated parties expect to reach an agreement on the final amount of funding to be received and the roles and responsibilities of all parties. The Fund reserves the right to award alternative funding amounts and financial structures from those requested by applicants. No award will be considered a commitment until a funding contract has been executed. All awards will be subject to approval by the State Energy Office. The Fund reserves the right to disapprove any or all of these proposals. Approval is subject to continued availability of funds.

5.2 Evaluation Criteria

In evaluating proposals and selecting those to fund, the Fund will consider the following criteria:

- **Lowest funding request relative to \$/Watt cap.** Those proposals that maximize the installed PV capacity at minimum cost to the Fund are preferred. In other words, all else being equal, lower per-Watt funding requests will be favored over higher requests.
- **Capturing Value.** The Fund strongly prefers proposals that can capture other sources of economic value in addition to the value of displaced electricity purchases from the grid. Such sources of value might include disposition of GIS Certificates in a manner that furthers the Fund's objectives, as described in Section 2.5; or value for providing uninterrupted power supply or enhanced reliability to a portion of the host electricity load.
- **Visibility and Educational Benefit.** The Fund prefers PV installations that provide good visibility to the Public or that otherwise provide an educational benefit either to the public, business community, or a specific market segment where PV provides exceptional value. Education and outreach can be accomplished through alliances or partnerships with other renewable stakeholders in Rhode Island.
- **Likelihood of Success.** The Fund will favor proposals that have a high degree of likelihood of success. The experience with renewable projects and financial capabilities of the applicant and project partners will be considered here, as well as the financial information provided.
- **PV System Reliability.** Customer satisfaction with and acceptance of PV technology is tied, in large part, to long-term performance. Those proposals that are most likely to result in long-term performance in concert with product performance claims and expectations will be favored. Lowest first-cost installations do not necessarily support this objective. Factors that will be considered include compliance with the minimum warranty term requirement; the quality of the warranty terms; the degree to which module, inverter, or full system warranties exceed the minimum requirement; O&M plans; and service contracts.
- **Compliance with Codes and Standards.** Proposals shall comply with all applicable codes and standards as described in Section 4.1.5.

- **Expanding PV Markets.** Those proposals that reduce barriers or expand market opportunities for PV will be preferred. Examples include replicable installations or proposals involving multiple sites for a single owner.
- **Timing.** All else being equal, proposals with earlier dates for project commissioning will be preferred.

5.3 Proposal Submission Date and Delivery Instructions

Six bound copies, one unbound copy, and an electronic copy of each bidder's proposal on diskette or CD must be submitted by no later than 4:00 p.m. on the applicable deadline for each phase of consideration to:

Janice McClanaghan
 Chief of Energy and Community Services
 State Energy Office
 Division of Central Services
 1 Capitol Hill
 Providence, RI 02908-5853
 (401) 222-3370
 JaniceM@gw.doa.state.ri.us

E-mail and facsimile (fax) transmissions are not acceptable forms of submission.

5.4 Written Questions

Questions should be directed in writing to Janice McClanaghan at the address and e-mail above by no later than the deadline for each phase indicated in Section 1.4. All questions and responses, with any reference to the party making the inquiry deleted, will be posted in the State Energy Office's web site, at www.riseo.state.ri.us/riref.html.

5.5 Funding Contract

The State Energy Office's Administrator will issue a contract that will constitute the project contract. A standard contract will be posted on the Fund's web site <http://www.riseo.state.ri.us/riref.html> by January of 2004. Any exceptions to the standard contract must be indicated in the proposal. The contract will provide that continued funding is subject to Rhode Island General Laws Section 39-2-1.2(b) or any other laws and regulations governing the Fund.

The State Energy Office reserves the right to terminate any funding agreement awarded through this solicitation for reasonable cause, including: (1) material change in the project from how it is described in the application, (2) the State Energy Office loses contact with the applicant for a period of 3 months, (3) the applicants are determined to have knowingly provided false or misleading information to the Fund.

5.5.1 Inspection

Funding of awards under this RFP will be disbursed after the installation has successfully been inspected and evaluated by an independent third party engineer under contract to the Fund. The goals of this inspection and evaluation are:

- To verify that the actual PV installation conforms with the Proposal in terms of PV hardware choice (see Section 4), rated capacity, metering, and overall configuration;
- To validate the Applicant's estimates of the rated capacity of the system and the annual electrical generation from the facility;
- To assure that the system components have been installed properly and safely and have passed the necessary state and local inspections; and
- To confirm that on-site personnel have sufficient training to evaluate PV system performance on a routine basis and to implement routine maintenance and repair procedures as required.

5.6 Performance Milestones

Contracts entered into as a result of awards under this RFP will contain performance milestones that will allow the Fund to free up budget from non-performing projects for other uses. If a project is not on line by the date of commissioning identified in the proposal (which shall be no later than the date indicated for the applicable phase of this RFP, as defined in Section 1.4), or such other date as mutually agreed and incorporated in the project funding agreement, the applicant may request an extension, which the Fund may or may not grant at its sole discretion.

6. Submissions

6.1 Proposal Format and Length

In addition to six bound copies and one unbound copy, submission of an electronic version in a diskette or compact disk in MSWord format is required. Applicants are requested to submit proposals printed using a standard 12-point font and a blank line between paragraphs. The proposal may be no more than 15 pages in length, not including attachments. Pages must be numbered and attachments and addenda titled.

6.2 Proposal Requirements

A: Title Page

Title and location of project; full legal name of applicant; business address; and contact person, name, title and contact information (address, fax, email, and web address).

B: Executive Summary [1 page max.]

Please describe in summary form:

- Description of the project,
- Description of type of applicant and host site, and indication of category eligibility (A or B)
- Size in kW (AC and DC rating),
- Location(s) of project and type of building, attesting that location is within Narragansett Electric or Pascoag Utility District service territory (attach copies of three highest monthly electric bills from the past 12 months as Attachment A), and that the owner and operator of the property or facility where the project is to be located supports the project (include a letter or affidavit from the building owner to confirm this support),
- Request for grants from the Fund under this RFP,
- Service or commissioning date,
- Benefits of the project
- The overall project cost and project payback with requested funding,
- Project team and partners.

C: Applicant Team and Experience [2 page]

Please list the contact information and the nature of the partnership for all entities involved with the proposed project including:

- Project leader
- PV manufacturer
- PV integrator
- Inverter manufacturer
- PV installer
- Host site project member. If Category B and a non-profit institution, provide evidence of non-profit (501(c)3 or other) status.
- Other partners (i.e. financing, outreach and education, etc.)

Please describe their relevant qualifications & experience for completing the proposed project including past projects that the Fund should be aware of in review this application.

D: Project Description [5 pages max.]

Description

- The project name and exact location,
- Ownership of PV facility,
- Projected typical annual electricity production in kWh AC using the following website - http://rredc.nrel.gov/solar/codes_algs/PVWATTS/version1/Rhode_Island/Providence.html,
- The system design and important issues (e.g. how and where it will be mounted),
- Why the particular configuration was chosen,
- Whether the project is grid-connected or stand alone,
- Provide the manufacturer name and model number of the modules, inverters, and balance of system,

- Estimated total DC nameplate capacity (in kW) for modules and inverter(s) and the AC rating of the system consistent with Section 4.2 above.
- Service life of the system and warranties provided,
- O&M requirements and details of maintenance agreement provided, as well as written O&M Plan (see Section 4.2)
- Information that will be monitored and provided,
- Discussion of project timeline, including proposed project commissioning date for use in evaluation. (Attachment E requires a Gantt Chart).

Benefits

Describe how the proposal would meet each of the evaluation criteria identified in Section 5.2.

E: Project Economics [3 pages]

Provide a full description and clear definition of assumptions used:

- What amount of funding are you seeking from the Fund in terms of total dollars and dollars per watt.
- What is the total projected installed capital cost of the project, allocated among the following categories: PV Panels, Inverters, Balance of System, Engineering & Design, Installation, O & M, and Other. The total PV system cost and the total project cost must be disclosed clearly.
- Describe the PV system ownership and the sources of funding available or being contemplated. (Include, as applicable, equity, debt, other state and federal sources.) What are the relative shares of the total capital cost from each source?
- Explain, as applicable, the sale and/or disposition of electric energy or energy savings, GIS Certificates, emissions offsets, etc., including the commitment to dedicate at least 25% of the GIS Certificates to the project host.
- What economic performance (i.e. payback, IRR, etc.) do you expect?

Attachments are to be placed at end of proposal in sequential order:

Attachment A: copies of three highest monthly electric bills from the past 12 months

Attachment B. Resumes of all key individuals associated with project

Attachment C. Individual letters of intent from each project member and MOUs between each party, including site owner and site operator, detailing the extent of their involvement and commitment to the project including any financial commitment, in-kind contributions or other commitments, and documentation of permission to make structural changes to the host building.

Attachment D. Verifiable evidence of financial capability & strength of the financially responsible partner (who will receive funding from the Fund) to be able to undertake this project (including any of the following: financial statements, proof of funding resources available to complete the project, bank reference letters, credit references.)

Attachment E. Gantt chart illustrating the proposed timeline for the project, including major milestones.

Attachment F. Evidence of compliance with approved system, modules or inverters and components standards (IEEE or UL listing)

Attachment G. Representations and Signatures Page (as included as Attachment 1 to this RFP)

Attachment H. A description of any exceptions requested to the standard funding contract.

7. Other Terms and Conditions

Terms and Conditions

The following additional terms will be applicable to the RFP and every proposal received under the RFP.

7.1 No Commitment

This RFP does not constitute an offer by the Fund, nor does it commit the Fund to enter into a contract or similar undertaking with the applicant or any organization associated with the applicant. The Fund reserves the right to enter into relationships with more than one applicant. The Fund also reserves the right to suspend or modify the RFP process or to issue a new RFP for this program that would supersede and replace this one.

The commencement of negotiations does not signify a commitment by the Fund or the State Energy Office to execute a contract or to continue discussions with respect to the applicant's organization. Any party involved in these discussions or meetings can terminate contact at any time and for any reason. No binding obligation shall be created unless the Fund or its representative and the concerned parties execute a binding agreement. Any recommendations or conclusions from this RFP process concerning the applicant shall not constitute a right (property or otherwise).

7.2 Reserved Rights

The Fund reserves the right, in its sole discretion, to reject any or all proposals, to waive any minor irregularities or informalities in a proposal, and to enter into any agreement deemed by the State Energy Office to be in the best interest of the rate payers of the State of Rhode Island.

7.3 Applicant's Cost

The applicant and/or the applicant's organization is responsible for all costs associated with the participation in this RFP process, without limitation.

7.4 Treatment of Proposals and Confidential Information

Responses will be reviewed by a subcommittee of the Fund's Advisory Board, that may include the Fund's consultants. Information of a commercially sensitive nature, as defined in Section 38-2-2(4)(B) of the Rhode Island General Law, (namely, trade secrets and commercial or financial information ...which is of a privileged or confidential nature) shall be submitted under the following procedure only. Describe the nature of the information and the reasoning for treating it as confidential, and submit it in a separate, sealed envelope marked "confidential information", along with whatever information is necessary to clearly identify it as associated with your submission, including contact information. On receipt of advice from the Fund that such justification is consistent with applicable state law allowing confidential treatment of the enclosed material, the Fund will commit to treating such information as confidential and restricting access to review committee members only, under condition of confidentiality. Otherwise, you will be given the option of having the information returned unopened, or having it reviewed along with the remainder of your response without confidential treatment. The Fund will treat only such information clearly labeled as commercially sensitive as confidential. Such materials will be returned upon request.

7.5 Waiver of Claims

The applicant waives any right it may have to bring any claim, whether in damages or equity, against the Fund, the State Energy Office, the Fund's Advisory Board, the Fund's agents, employees or contractors, with respect to any matter arising out of any process associated with this RFP.

Attachment 1: Representations and Signature Page

I, the undersigned declare that;

1. I am an authorized agent of the applicant and have authority to submit this request on behalf of the applicant.
2. The information provided in this proposal is true and correct to the best of my knowledge.
3. I have read this RFP in its entirety and agree unconditionally to all of its the conditions and requirements.
4. I understand and accept that the approval or rejection of my request is within the sole discretion of the Fund.
5. I understand and accept that there is no legal commitment to provide funding until approval of this proposal by the Fund's Advisory Board, the State Energy Office, and until all legal due diligence and properly authorized legal project funding contract has been duly and properly executed.
6. I authorize the representatives of the Fund to investigate the business and personal financial credit history of the applicant, its affiliates, and all associated partners, principals and management and authorize the release of all said information.
7. I agree that I will report immediately in writing to the Fund any changes to the information contained herein at any time while I am under consideration for funding.

The information contained in this proposal and any part thereof, including its exhibits, schedules, and other documents and instruments delivered or to be delivered to the Fund is true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part mislead the Fund as to any material fact.

Date:

Authorized Signature: _____

Name and Title: _____

(please print)